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## REMARKS

The Applicants appreciate the thorough review of the application by the Examiner.

Reconsideration and allowance are requested.

By this response Claims 1, 4, 8-10, 13, 17 and 18 have been amended. Claims 3 and 12 have been cancelled. Claims 19-22 have been added. Claims 1, 2, 4-11 and 13-22 are pending, with Claims 1 and 10 being independent claims.

No new matter has been added by the amendments. No new issues are raised by the amendments.

Applicants appreciate the courtesies extended to Applicants' representatives at the recent personal interview. At the interview the differences between Applicants claimed invention and the applied prior art were discussed. It was argued that the applied references did not teach or suggest the claimed invention. While no agreement was reached regarding allowability of the claims, the Examiner did agree to consider amendments to the claims, particularly those amendments drawn to additional lighting within the hood that color matches the numerical indicators, and amendments drawn to violation time indication and complying vehicle total indication.

In the recent Office Action, the Examiner rejected Claims 1-7 and 10-16 under 35 U.S.C. § 103(a) as being unpatentable over Mitchell (US 6,046,686). Claims 8 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitchell in view of Durinzi, Jr. et al. (US 6,427,369). Claims 9 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitchell in view of Hoffman (US 4,173,010) and Martell et al. (US 5,317,311).

**Claims 1, 2, 4-7, 10, 11 and 13-16 are patentable under 35 U.S.C. § 103(a) as being obvious over Mitchell (US 6,046,686).**

The patent to Mitchell discloses a speed display device that displays a steady amber color or a flashing red color responsive to a vehicle's measured speed being less or greater than a threshold speed. The device of Mitchell is clearly large and is transported by towing or by trailer to its place of operation. In comparing Mitchell with Applicants' independent Claims 1 and 10, it can be seen that Mitchell does not show a compact, easily transportable radar vehicle speed monitor. Mitchell also does not show a casing having top and side panels that extend outwardly to form a hood, nor a cover hingedly attached to the bottom panel that selectively closes the front of the casing. Mitchell teaches the use of amber and red numerical indicators, and does not teach or suggest the use of green and red numerical speed indicators.

MPEP § 2143 states: "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added)." In the present application, and as noted above, Mitchell fails to teach or suggest all of the limitations recited in Applicants' claims. Applicants' invention is compact and portable by virtue of its size and the casing, which includes a hood and closeable cover. Further, the present invention uses the feature of green/red lights to clearly indicate to motorists whether or not their

vehicle speed is in compliance with the approved speed limit, unlike the amber display of Mitchell, which will most certainly cause confusion.

Obviousness is tested by "what the combined teachings of the references would have suggested to those of ordinary skill in the art." In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). There is nothing in the applied reference to Mitchell that would suggest to one of ordinary skill in the art to make the large, cumbersome speed display compact and easily transportable, to include a casing with a hood and a hingedly attached cover for closing the front, and to make the numerical speed indicators green and red, absent the information obtained from Applicants' own disclosure. Thus, the teachings of Mitchell fail to establish a *prima facie* case of obviousness and the rejection of the claims based thereon, under 35 U.S.C. § 103(a), should be withdrawn.

**Claims 8 and 17 are patentable under 35 U.S.C. § 103(a) as being obvious over Mitchell in view of Durinzi, Jr. et al. (US 6,427,369).**

Claims 8 and 17 depend from patentable Claims 1 and 10, respectively and add the patentable feature that the hood has varied color lights lighting the entire inside of the hood, the lights flashing red to indicate overspeed and steady green to indicate compliant speed. The patent to Mitchell has been discussed above. The patent to Durinzi et al. has been relied on by the Examiner as showing an advertising kiosk that includes an illuminating support that encloses diffuser sheets that can be colored or uncolored. The Examiner believes that it would have been

obvious to modify the speed display device of Mitchell by the teachings of the advertising kiosk of Durinzi et al., to arrive at the invention recited in Applicants' Claims 8 and 17.

However, the Durinzi et al. patent discloses nothing to overcome or supply that which is lacking in the basic reference to Mitchell, noted above regarding the rejection of Claims 1 and 10. In addition, neither Mitchell nor Durinzi et al. teach a hood that has varied color lights lighting the entire inside of the hood, with the lights flashing red to indicate overspeed and steady green to indicate compliant speed, and there is simply no suggestion or incentive present in the applied references to make such a modification to Mitchell. Since these features are not taught or suggested by Mitchell and Durinzi et al., and the teachings of Durinzi et al. simply do not suggest to one of ordinary skill in the art to modify Mitchell and arrive at the invention recited in Applicants' claims, the rejection under 35 U.S.C. § 103(a) based on Mitchell in view of Durinzi et al. is improper and should be withdrawn.

**Claims 9 and 18 are patentable under 35 U.S.C. § 103(a) as being obvious over Mitchell in view of Hoffman (US 4,173,010) and Martell et al. (US 5,317,311).**

Claims 9 and 18 depend from patentable Claims 2 and 11, respectively and add the patentable feature that the a memory is connected to the controller for storing information of time and number of vehicles, number of vehicle speeds sensed, number of vehicle overspeeds sensed, and average vehicle speed. The patent to Mitchell has been discussed above. The patent to Hoffman has been cited to show a traffic sign and improved system for recording vehicle speed having logic circuits. Additionally, Hoffman also teaches an external clock for indicating the time in photographs of vehicles, but provides no memory for storing the time. The patent to Martell et al. discloses a traffic congestion monitoring system that bolts onto the sides of bridges

and overpasses, and receives and transmits information regarding traffic congestion. Martell et al. teaches, as part of his system, the measuring of average vehicle speeds. The Examiner believes that it would have been obvious to "incorporate the teachings of Martell and Hoffman into the system of Mitchell to provide orderly movement of traffic at an expeditious and safe speed (Office Action, p. 6, lines 16-19)."

Applicants do not agree with the Examiner's conclusions. In this regard, the Hoffman patent and the Martell et al. patent disclose nothing to overcome or supply what is lacking in the basic reference to Mitchell, noted above regarding the rejection of Claims 2 and 11. Further, it is not clear how the Examiner proposes to employ the teachings of the system of Hoffman, which uses cameras and pressure switches, along with the system of Martell et al., which requires bolting equipment to bridges and operates to send information to a remote location, to modify the speed display device of Mitchell. It is clear that the suggestion to modify the Mitchell patent, in the manner urged by the Examiner, did not come from any of the applied prior art references. It can only be concluded that the motivation for making such modifications has been derived from information gleaned from Applicants' own disclosure, which is impermissible. Thus, the rejection of the Claims under 35 U.S.C. § 103(a) based on Mitchell in view of Hoffman and Martell et al. is improper and should be withdrawn.

New Claims 19 and 21 depend from patentable Claims 5 and 14 respectively, and add the patentable feature that the light-emitting diodes are dual color light-emitting diodes.

New Claims 20 and 22 depend from patentable Claims 1 and 10, respectively, and add the patentable feature that the casing includes a handle affixed to the top panel for easy movement of the monitor apparatus.

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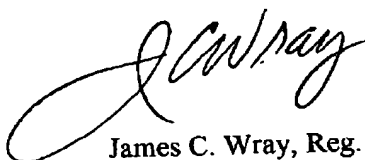
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The claims in this application have been revised to more particularly define Applicant's unique construction of a compact radar vehicle speed monitor. Reconsideration of the claims in light of the amendments and for the above-noted reasons is respectfully requested.

**CONCLUSION**

Reconsideration and allowance are respectfully requested.

Respectfully,



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